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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
**RECEIVED****In re Application of:**

Hilda E. Smith

**Serial No.:** 09/767,041**Filed:** January 22, 2001**For:** STREPTOCOCCUS SUIS VACCINES  
AND DIAGNOSTIC TESTS**Confirmation No.:** 3344**Examiner:** P. Duffy**Group Art Unit:** 1645**Attorney Docket No.:** 2183-4726US

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## CERTIFICATE OF MAILING

I hereby certify that this correspondence along with any attachments referred to or identified as being attached or enclosed is being deposited with the United States Postal Service as First Class Mail on the date of deposit shown below with sufficient postage and in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

April 30, 2003  
DateBetty Vowles  
SignatureBetty Vowles  
Name (Type/Print)**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Supplemental Information Disclosure Statement is submitted in response to the Office communication mailed April 9, 2003, which indicated the "references have been inadvertently omitted" from the listed search report and the IPER from the Information Disclosure Statement mailed January 22, 2001. Applicant requests that the other references listed on the Information Disclosure Statement and Form 1449 mailed January 22, 2001, be considered. References listed on the search report have been detailed on the attached PTO/SB/08. Applicant request these references be considered.

In compliance with the duty to disclose information material to patentability pursuant to 37 C.F.R. § 1.56, it is respectfully requested that this Supplemental Information Disclosure

Statement be entered and the documents listed on attached Form PTO-1449 or PTO/SB/08 be considered by the Examiner and made of record. Copies of the listed documents are enclosed pursuant to 37 C.F.R. § 1.98(a).

In accordance with 37 C.F.R. § 1.97(g) and (h), filing of this Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made or an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b). Further, no representation is made by Applicant herein that no other possible material information as defined in 37 C.F.R. § 1.56(b) exists.

Foreign Patent Documents

<u>Document No.</u>	<u>Publication Date</u>	<u>Patentee</u>
WO 92/16630	10-01-1992	Centraal Diergeneeskundig Instituut
WO 92/21465	07-18-1996	Connaught Laboratories Limited
WO 95/06732	03-09-1995	Rockefeller University
WO 95/31548	11-23-1995	UAB Research Foundation
EP 0 750 043 A1	12-27-1996	Societe Des Produits Nestle

Other Documents

BUSQUE et al., Immunization of pigs against *Streptococcus suis* serotype 2 infection using a live avirulent strain, Can J Vet Res., October 1997, pp. 275-79, Vol. 61, No. 4.

CHARLAND et al., *Streptococcus suis* serotype 2 mutants deficient in capsular expression, Microbiology, February 1998, pp. 325-32, Vol. 144, No. 2.

ELLIOTT et al., Streptococcal infection in young pigs. V. An immunogenic polysaccharide from *Streptococcus suis* type 2 with particular reference to vaccination against streptococcal meningitis in pigs, October 1980, pp. 275-85, Vol. 85, No. 2.

KOLKMAN et al., Diversity of capsular polysaccharide synthesis gene clusters in *Streptococcus pneumoniae*, J. Biochem., May 1998, pp. 937-45, Vol. 123, No. 5.

QUESSY et al., Immunization of mice against *Streptococcus suis* serotype 2 infections using a live avirulent strain, *Can J. Vet Res.*, October 1994, pp. 299-301, Vol. 58, No. 4.

ROBERTS et al., The biochemistry and genetics of capsular polysaccharide production in bacteria, *Ann. Rev. Microbiol.*, 1996, pp. 285-315, Vol. 50.

SMITH et al., Identification and characterization of the cps locus of *Streptococcus suis* serotype 2: the capsule protects against phagocytosis and is an important virulence factor, *Infect Immun.*, April 1999, pp. 1750-56, Vol. 67, No. 4.

SMITH et al., High efficiency transformation and gene inactivation in *Streptococcus suis* type 2, *Microbiology*, January 1995, pp. 181-88, Vol. 141.

WATSON et al., Pneumococcal Virulence Factors and Host Immune Responses to Them, *European Journal of Clinical Microbiology & Infectious Diseases*, June 1995, pp. 479-90, Vol. 14, No. 6.

This Supplemental Information Disclosure Statement is believed to be filed before the mailing date of a first Office Action on the merits; therefore, no fee is due.

Respectfully submitted,



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Date: April 30, 2003  
AFN/bv

Enclosures: Form PTO-1449 or PTO/SB/08  
Cited Documents

Document in ProLaw

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PAGE. 1

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AUG 04 2003

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## FACSIMILE TRANSMITTAL SHEET

Total number of pages including cover letter: 1

To: Examiner P. Duffy  
U.S. Patent and Trademark Office

Date: August 1, 2003

Facsimile No.: (703) 308-4242

From: Betty Vowles for Allen C. Turner

Serial No.: 09/767,041

Client/matter number: 2183-4726US

Group Art Unit: 1645

Message/Comments: Attached is a copy of the Supplemental Information Disclosure Statement we mailed on April 30, 2003. It has not been recorded in PAIR. On or about June 26, 2003, I called Examiner Duffy regarding this oversight and she indicated another copy would need to be sent. Attached is a copy of the returned postcard as well as a copy of the Supplemental Information Disclosure Statement and PTO/SB/08. Unfortunately, file copies of the art were submitted with a copending, related case and new copies have not yet been received from the client. As I will be out of the office for a couple of weeks, I am sending this fax cover sheet, copy of Supplemental Information Disclosure Statement and returned postcard so that the case is not abandoned. Upon my return to the office, I will check and see if the material has been received from the client so that references can be transmitted again to the U.S. Patent Office. An additional Supplemental Information Disclosure Statement was mailed May 16, 2003. That will also be supplied.

*If you do not receive the complete document, please call (801) 532-1922 as soon as possible*

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THE PATENT & TRADEMARK OFFICE MAILROOM DATE  
STAMPED HEREON IS AN ACKNOWLEDGEMENT THAT ON THIS  
DATE THE PATENT & TRADEMARK OFFICE RECEIVED:

Supplemental Information Disclosure Statement (3 pages); PTO/SB/08 (2  
pages); cited references

Invention: **STREPTOCOCCUS suis VACCINES AND  
DIAGNOSTIC TESTS**  
 Applicant(s): Hilda E. Smith  
 Filing Date: January 22, 2001  
 Serial No.: 09/767,041  
 Date Sent: April 30, 2003 via first class mail  
 Docket No.: 2183-4726US  
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